

UNITED STATES DISTRICT COURT

for the
EASTERN DISTRICT OF WISCONSIN

In the Matter of the Search of

Case Number: 13 m 626

A USPS Priority Mail parcel with tracking number 9505 5214 7301 3123 0000 12 addressed to "Troy Waite, 1141 West 360 North #26, St. George, UT 84770" and containing the return address "CHEWY, 1113 S. Erie St, DePere, WI 54115"

USDC EDWI FILED IN GREEN BAY DIV MAY 10 2013 AT _____ O'CLOCK _____ M JON W. SANFILIPPO

APPLICATION & AFFIDAVIT FOR SEARCH WARRANT

I, Derik Thieme, a federal law enforcement officer, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

A USPS Priority Mail parcel with tracking number 9505 5214 7301 3123 0000 12 addressed to "Troy Waite, 1141 West 360 North #26, St. George, UT 84770" and containing the return address "CHEWY, 1113 S. Erie St, DePere, WI 54115"

located in the Eastern District of Wisconsin there is now concealed: **Please see attached affidavit, which is hereby incorporated by reference.**

The basis for the search warrant under Fed. R. Crim. P. 41(c) is which is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of a crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Title 21, United States Code, Sections 841(a)(1), 843(b), and 844(a).

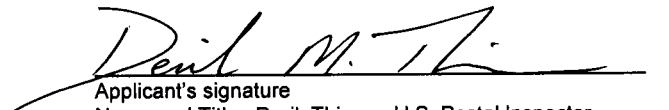
The application is based on these facts:

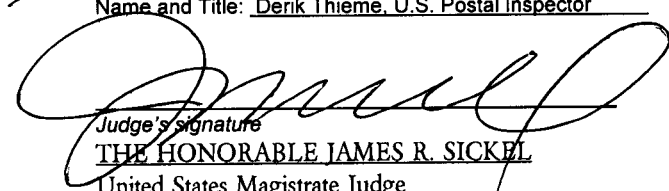
- ☒ Continued on the attached sheet, which is incorporated by reference.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to before me, and signed in my presence.

Date 5/10, 2013

City and state: Green Bay, Wisconsin


Applicant's signature
Name and Title: Derik Thieme, U.S. Postal Inspector


Judge's signature
THE HONORABLE JAMES R. SICKEL
United States Magistrate Judge
Name & Title of Judicial Officer

AFFIDAVIT

Derik Thieme, United States Postal Inspector, being duly sworn, states the following information was developed from his personal knowledge and from information furnished to him by other law enforcement agents and professional contacts:

I. INTRODUCTION

1. I have been employed by the United States Postal Inspection Service for approximately ten years. As part of my duties as a Postal Inspector, I investigate the use of the U. S. Mails to illegally send and receive controlled substances and drug trafficking instrumentalities. I have participated in investigations which have resulted in the arrest of individuals who have received and distributed controlled substances using the U.S. Mail, as well as the seizure of the illegal drugs and proceeds from the sale of those illegal drugs. My training and experience includes identifying packages with characteristics indicative of criminal activity, namely, the distribution of controlled substances.

II. PARCEL TO BE SEARCHED

2. This affidavit is submitted in support of an application for a search warrant for a 8.5 inch by 5 inch by 1.5 inch Priority Mail parcel with tracking number 9505 5214 7301 3123 0000 12, mailed on May 3, 2013, from De Pere, WI 54115. This parcel bears addressee and return address information handwritten in black ink. The parcel is addressed to "Troy Waite, 1141 West 360 North #26, St. George, UT 84770" and bears a return address of "CHEWY, 1113 S. Erie St, De Pere, WI 54115". The parcel weighs approximately 4 ounces and bears \$6.20 in postage.

III. BACKGROUND

3. As described above in paragraph 2, the subject parcel is being mailed from De Pere, WI to St. George, UT and was selected for investigation because it met certain criteria common to packages containing contraband related to controlled substance trafficking. The subject parcel was damaged in handling at the Green Bay Mail Processing Facility and a bundle of U.S. Currency wrapped in aluminum foil was observed inside the parcel. There were no other visible items or correspondence contained inside the parcel. The parcel is believed to contain the proceeds from the trafficking of controlled substances based on, among other things, a return address in which the name of the sender, "CHEWY", is not a valid name; a delivery address in which

the addressee name is not known to be associated; and a positive indication for controlled substances from a trained narcotics detection canine.

4. From my training, personal experience, and the collective experiences related to me by fellow Postal Inspectors who specialize in investigations relating to the mailing of controlled substances and the proceeds from the sale of controlled substances, I am aware of recent state statutes allowing medical marijuana in several states including California, Arizona, Nevada, Colorado, Washington and Oregon. I also know that these medical marijuana states are major source areas for controlled substances, particularly marijuana. As such, controlled substances are frequently transported from these source states via the United States Mail, and the proceeds from the sale of the controlled substances are frequently returned to these source states via the United States Mail. These proceeds are generally in large amounts of money over \$100. I also know from my training, experience, and communications with fellow narcotics investigators, that it is common for individuals to use mailing addresses in states surrounding these controlled substance source states to minimize detection by law enforcement authorities.
5. I know based on my training and experience that drug traffickers will often use one of two USPS services: Express Mail Service, which is the USPS overnight/next day delivery mail product, and Priority Mail Service, which is the USPS two- to three-day delivery mail product. Drug traffickers use the Express Mail delivery services because of their speed, reliability, and the ability to track the article's progress to the intended delivery point. Drug traffickers use Priority Mail delivery services because it allows drug traffickers more time for travel between states if they decide to follow their shipments to their destinations for distribution. Also, by adding delivery confirmation to a Priority Mail parcel, drug traffickers have the ability to track the article's progress to the intended delivery point just as if the parcel had been mailed using the Express Mail service.

6. I know based on my training and experience that in an effort to conceal the distinctive smell of controlled substances from narcotics detecting dogs, these packages tend to be wrapped excessively using various methods such as vacuum bags, aluminum foil, scented dryer sheets, carbon paper, food products and other items. These packages also are often carefully sealed with excessive tape to prevent the escape of odors.
7. Postal Inspectors have been conducting investigations of drug trafficking via USPS Express Mail and Priority Mail since the mid 1980s. Along with conducting organized interdictions of parcels suspected of containing controlled substances, Postal Inspectors also regularly examine and investigate Express Mail and Priority Mail parcels throughout the year. During the 1990s, Postal Inspectors observed that the trend was for drug traffickers to send controlled substances and proceeds from the sale of controlled substances using boxes, with the proceeds in the form of cash. Although Postal Inspectors still see the use of boxes for controlled substances and cash, there has been a gradual change over the years toward the current trend of smaller boxes, flat cardboard envelopes, and Tyvek brand mailing envelopes, with proceeds from the sale of controlled substances converted to money orders or prepaid debit/credit cards. By using money orders and prepaid debit and credit cards, drug traffickers are able to send large dollar amounts in compact form, using much smaller conveyances which lend a sense of legitimacy to the parcel.
8. Based on information derived and built upon over the years, Postal Inspectors, including your affiant, initially look for certain characteristics when examining Express Mail and Priority Mail for controlled substances or proceeds from the sale of controlled substances. These characteristics could include:
 - a. The article is contained in a box, flat cardboard mailer, or Tyvek envelope;
 - b. The article bears a handwritten label;
 - c. The handwritten label on the article does not contain a business account number; and
 - d. The article originated from an area that, based on past experience is a known origination point for controlled substances and is destined for an area that, based on past experience, is a known destination point for controlled substances in the mail; or the reverse: the article originated from an

area that, based on past experience, is a known origination point for proceeds from the sale of controlled substances, and is destined for an area that, based on past experience, is a known destination point for controlled substance proceeds.

Parcels found to meet these characteristics are scrutinized by Postal Inspectors through further investigation, which could include return and addressee address verifications and trained narcotic-detecting canine examination. Narcotics canines are trained to detect the presence of an odor of controlled substance, which may include items that have been in contact with a controlled substance, including money. Additionally, there are factors that can affect a canine's ability to detect the scent of controlled substances. Some methods used to defeat detection by narcotics canines include masking agents, the method of packing the controlled substance, the environmental conditions, and the canine's training and experience.

IV. INVESTIGATION

9. On May 3, 2013, I received a phone call from the Green Bay Mail Processing Facility advising that a Priority Mail parcel had been damaged during mail processing and that the contents were visible. The contents appeared to be a large quantity of U.S. Currency wrapped in aluminum foil. No other contents or correspondence was visible inside the parcel. The details of the parcel are as follows:

Priority Mail Tracking # 9505 5214 7301 3123 0000 12
Postmark: Mailed on May 3, 2013 from zip code 54115 at Contract Postal Unit (CPU)
Parcel Weight: 4 ounces
Return Address: CHEWY, 1113 S. Erie St, De Pere, WI 54115
Addressee: Troy Waite, 1141 West 360 North #26, St. George, UT 84770

During the course of this investigation I researched the Accurint law enforcement database and U.S. Postal Service records for information on the addresses identified above. I determined from the Accurint law enforcement database and US Postal Service records that no person with the name of "CHEWY" is known to be associated with the addresses 1113 S. Erie St, De Pere, WI 54115. I also determined that no person with the name Troy Waite is known to be associated with the delivery address of 1141 West 360 North #26, St. George, UT 84770. I know from conducting investigations involving the trafficking of controlled substances that individuals often use fictitious addresses and/or names in order to avoid detection by law enforcement.

10. I know through my experience and training in controlled substance investigations that individuals often use the US Mail to distribute controlled substances and proceeds related to the sale and/or purchase of controlled substances. I have learned that when the US Mail is used for these purposes, individuals sending the controlled substances commonly use, as a return address, fictitious names associated with true addresses or fictitious names associated with non-existent addresses. I have also learned that when multiple parcels containing suspected controlled substances are being mailed to an area it is common for the mailer to use more than one fictitious name and/or fictitious return address. Further, these same characteristics commonly exist on parcels suspected of containing the proceeds for the purchase of controlled substances. For these reasons, I have learned that individuals mailing controlled substances and proceeds related to the sale of controlled substances use different addresses and names on parcels in an attempt to bolster their anonymity and avoid suspicion by law enforcement that illicit activity is occurring at a particular address.
11. During the course of the investigation, I conducted an internet search on the destination city of St. George, Utah and found that St. George is located on the southern border of Utah which borders both Arizona and Nevada. Both Arizona and Nevada are known source states for the distribution of controlled substances, particularly marijuana. I have learned from previous investigations that individuals mailing controlled substances and proceeds related to the sale of controlled substances use different addresses and names on parcels in an attempt to bolster their anonymity and avoid suspicion by law enforcement. In addition, individuals involved in using the mail to transport controlled substances and proceeds related to the sale of controlled substances sometimes travel across state lines to avoid detection in areas that are more frequently associated with the mailing of controlled substances, such as medical marijuana approved states.
12. On May 3, 2013, I requested that the Green Bay Post office send the suspect Priority Mail parcel via Registered Mail to the Inspection Service Office for further investigation. I took custody of the parcel on May 8, 2013 and I contacted Brown County Sheriff's Investigator Zak Holschbach who agreed to assist with my investigation in presenting the subject Priority Mail parcel to a dog sniff. Investigator Holschbach is a

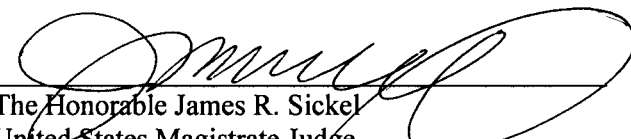
trained and experienced handler of a certified drug detection dog named "Sammy". Investigator Holschbach explained that Sammy is trained in detecting the presence of marijuana, cocaine, heroin, ecstasy, and methamphetamine, and was last certified in detecting narcotics in May, 2012. Consistent with Investigator Holschbach's training, experience, and direction, I placed the subject Priority Mail parcel in a room at the Brown County Sheriff's Office located at 300 E. Walnut St, Green Bay, WI. The parcel was placed in the room along with four other similar parcels known not to contain any odor of controlled substances. Prior to placing the parcels in the room, Investigator Holschbach had Sammy examine the room and Investigator Holschbach advised that Sammy did not alert to the odor of controlled substances in the room. After placing the subject parcel and four other parcels in the room, Sammy again examined the room and Investigator Holschbach said Sammy alerted to the subject Priority Mail parcel, indicating the presence of controlled substances or other items, such as the proceeds of controlled substances, which have been recently contaminated with, or associated with, the odor of one or more controlled substances. Sammy did not alert on any of the other parcels. I took custody of the subject Priority Mail parcel and currently have it in my custody at the U.S. Postal Inspection Service office in Oneida, WI, in the Eastern District of Wisconsin.

13. Postal Regulation Sec. 274.31 of the United States Postal Service Administrative Support Manual states that no one may detain mail sealed against inspection, except under the following condition: A Postal Inspector acting diligently and without avoidable delay, upon reasonable suspicion, for a brief period of time, to assemble evidence sufficient to satisfy the probable cause requirement for a search warrant issued by a Federal Court.
14. For these reasons, there is probable cause to believe that Priority Mail parcel 9505 5214 7301 3123 0000 12 contains controlled substances, controlled substance paraphernalia, and/or proceeds or payment related to the sale of controlled substances. I am seeking the issuance of a warrant to search this parcel, and the contents contained therein, for contraband and evidence of a crime, namely, possession and possession

with the intent to distribute controlled substances, and use of the mails to commit a controlled substance felony, in violation of Title 21, United States Code, Sections 841(a)(1), and 843(b).


Derik Thieme
U.S. Postal Inspector

Subscribed and sworn to before me this 10 day of May, 2013.


The Honorable James R. Sickel
United States Magistrate Judge
Eastern District of Wisconsin